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Via ECF

Hon. Peter G. Sheridan
United States District Court
District of New Jersey
Martin Luther King, Jr.
Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

August 15, 2008

*Adjourned for 2 weeks
as ordered
Peter M. Leakan
8/25/08*

Re: USA v. Foglia
Dkt. No. 06-00807-001

Your Honor,

I am writing to you today to most respectfully request a final (1) one month adjournment for Mr. Foglia's sentence. I have expressed this request to AUSA Kelly. Unfortunately, we do not agree upon this issue, and he has not consented to this request.

We received the draft pre-sentence report this past Monday, August 11. Although Mr. Foglia and I have reviewed the report, and I have already submitted a letter to Officer Leakan regarding our comments on it, it is our request to allow Officer Leakan more time to "flesh out" the report. Additionally, a 30 day adjournment will allow Mr. Foglia to make arrangements to pay more of his outstanding tax obligations prior to sentencing.

We have specifically invited Probation to interview members of Mr. Foglia's family, including his ex-wife, who would be able to present a more complete picture of Mr. Foglia, a picture we submit, that is important to this Court in determining a proper sentence pursuant to the factors set forth in 18 USC §3553(a).

Lastly, we would like to point out that under this District's standing Order, sentencing the defendant less than 50 days from his receipt of the Presentence Investigation is improper without the Defendant's consent.

Mr. Foglia and I thank you for your consideration in this matter.

/svm
cc: AUSA Christopher Kelly

Goldberger & Dubin PC
By: *Paul A. Goldberger*
Paul A. Goldberger